

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION**

In Re:

CASE NO:

**Mickey Carl Leggett
Debtor**

**19-01092-5-JNC
CHAPTER 13**

MOTION TO MODIFY PLAN

NOW COMES the Debtor, Mickey Carl Leggett, by and through undersigned counsel, and moves the Court pursuant to Section 1329 of the Bankruptcy Code to modify his confirmed Chapter 13 Plan, and in support thereof shows unto the Court as follows:

1. The Debtor filed his Chapter 13 bankruptcy on March 11, 2019. The primary reason to file the petition was to pay cure arrears on the Debtor's residence.
2. Ultimately, the Court confirmed the Debtor's Chapter 13 Plan on August 9, 2019. The confirmed Plan required the following payments: 2 months at \$1,675.00 per month; and 58 monthly payments of \$1,750.00. From these funds, the Trustee would pay the conduit mortgage payment to Caliber Home Loans, arrears to Caliber Home Loans, a secured payment to USDA/FSA, Trustee commissions, Attorney Fees, and possibly a very small dividend to the unsecured creditors.
3. Since the commencement of the case, the following unexpected events have occurred:
 - A. The Debtor has had additional health issues that have reduced his work hours;
 - B. The Debtor's girlfriend, who lives with him, has a child that in the past has received Social Security Benefits. These benefits have been reduced by almost 90%. This has negatively impacted the household revenue.
 - C. As a result of the above, the Debtor is significantly in arrears in payments to the Trustee.
 - D. Caliber Home Loans has approved the Debtor for a Trial Plan Period. If the Debtor is successful in making three (3) trial payments directly to Caliber Home Loans, the Debtor will be eligible for a permanent loan modification. This modification would most likely roll all pre-petition arrears into a new loan.
4. As a result of the above, a modification to the confirmed Plan is warranted and required. Since the Debtor has decreased income, and has entered into a Trial Period Plan with Caliber Home Loans that requires direct payments to Caliber Home Loans, no further conduit or

other distributions need to be made to Caliber Home Loans. Accordingly, a request is made that the Debtors' Chapter 13 Plan be modified to provide for Five (5) monthly payments in the amount of \$395.00 (this accounts for the payments already made to the Trustee), followed by Fifty Two (52) monthly payments in the amount of \$230.00 per month, with the \$230.00 monthly payment to begin during the month of September, 2019. Upon information and belief, this modification will permit and provide for the payment in full of the remaining secured claims (except for Caliber Home Loans), will provide for a required distribution to unsecured creditors, and payment of administrative expenses.

5. The Debtor's proposed modification is made in good faith, is feasible and should be allowed.

WHEREFORE, based upon the above, the Debtor prays that the Court allow the Debtor's Chapter 13 Plan to be modified as follows: Five (5) monthly payments in the amount of \$395.00 (this accounts for the payments already made to the Trustee), followed by Fifty Two (52) monthly payments in the amount of \$230.00 per month, with the \$230.00 monthly payment to begin during the month of September, 2019 and that Caliber Home Loans receive no more distributions through the Plan.

Respectfully submitted, this the 21st day of August, 2019.

John G. Rhyne
State Bar No: 17570
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**NOTICE OF MOTION
AND CERTIFICATE OF SERVICE**

The undersigned has filed a *Motion to Modify Plan* with the Court to obtain the relief stated in the foregoing motion.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in Motion, or if you want the Court to consider your views on the Motion, then on or before **September 16, 2019**, unless otherwise ordered, you or your attorney must file with the Court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

Clerk,
United States Bankruptcy Court
P.O. Box 791
Raleigh, NC 27602

If you mail your request/response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to the undersigned as well as the additional parties shown on the attached Certificate of Service.

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: August 21, 2019.

/s/ John G. Rhyne
John G. Rhyne
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CERTIFICATE OF SERVICE

I, John G. Rhyne, of the Law firm of John G. Rhyne, Attorney at Law, of P.O. Box 8327, Wilson, North Carolina 27893, certify:

That I am, and all times hereinafter mentioned was, more than eighteen (18) years of age:

That on August 21, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. By filing the pleading using the CM/ECF system, the parties listed below will either receive notification of such filing by way of CM/ECF or by depositing copies thereof in the United States mail, first class mail, postage prepaid, an envelope addressed as shown below.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: August 21, 2019.

s/ John G. Rhyne
John G. Rhyne
P.O. Box 8327
Wilson, NC 27893
Telephone (252) 234-9933
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RECIPIENTS:

Attached Matrix

Mr. Mickey C. Leggett
1052 Osbourne Road
Robersonville, NC 27871

Joseph A. Bledsoe, III
Chapter 13 Trustee
P.O. Box 1618
New Bern, NC 28563

Barbara E. Administrator, EBN
434 Fayetteville Street Mall
Suite 640
Raleigh, NC 27601

North Carolina Department of Revenue
Attn: Bankruptcy Section
P.O. Box 1168
Raleigh, NC 27602

North Carolina Department of Commerce
Division of Employment Security
P.O. Box 26504
Raleigh, NC 27611

U.S. Securities & Exchange Commission
Atlanta Regional Office
950 E Paces Ferry Rd. NE, Suite 900
Atlanta, GA 30326-1382

Secretary of the Treasury
1500 Pennsylvania Ave., NW
Washington, DC 20220

Internal Revenue Service
Centralized Insolvency Operation
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Philadelphia, PA 19101-7346

IRS/Office of Chief Counsel
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Greensboro, NC 27407-2734

Civil Process Clerk of US Attorney
310 New Bern Ave.
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Raleigh, NC 27601-1461

The Honorable William Barr
U.S. Department of Justice
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Washington, DC 20530

Attorney General of North Carolina
901 Mail Service Center
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Raleigh, NC 27699-9001

Americollect
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Ashley funding Services
c/o Resurgent Capital Services - Officer
PO Box 10587
Greenville, SC 29603-0587

Asset Acceptance Corp
Attn: Officer
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Warren, MI 48090-2036

Brock & Scott
Attn: Melissa Swaby
8757 Red Oak Blvd., Suite 150
Charlotte, NC 28217

Caliber Home Loans
Attn: Officer
13801 Wireless Way
Oklahoma City, OK 73134

CareNet Counseling East
Attn: Officer
PO Box 890703
Charlotte, NC 28289-0703

Diversified Consultants
Attn: Officer
PO BOX 551268
Jacksonville, FL 32255-1268

East Carolina Anesthesia Assoc.
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Greenville, NC 27834

Eastern Urological Assoc.
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Winterville, NC 28590-1490

ECU Physicians
c/o Bull City Financial Solutions - Officer
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ECU Physicians
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FAC/NAB
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Ford Motor Credit
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Local Government Federal Credit Uni
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Martin Emergency Group, LLC
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San Antonio, TX 78299-2995

Medical Payment Data
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Midland Credit Management
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Winterville, NC 28590

Richard Sparkman
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Williamston HBP Services, LLC
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Brentwood, TN 37024

Vitalant Medical Group
Attn: Officer
2000 Venture Towers Dr.
Greenville, NC 27835

Joseph J. Vonnegut, Esq.
Atty for Caliber Home Loans, Inc.
P.O. Box 2505
Fayetteville, NC 28302

W/H/NB/Fridmans
Attn: Officer
PO Box 182273
Columbus, OH 43218

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c/o Caliber Home Loans
13801 Wireless Way
Oklahoma City, OK 73134